GOVT 2306 - 9  
The Development of State Constitutions and the Texas Constitution  
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The United State is full of constitutions. In addition to having a national constitution, each of the 50 states has its own individual constitution, and cities have charters. In fact every governing institution is based on some type of document that justifies its authority and defines its powers. In this section we will trace the development of state constitutions, note where they are similar to and different from the United States Constitution, and understand why that is the case.

We will also look at how the constitutional structure in Texas changed over the course of the 19th century and the factors which explain those changes. We will also outline the nature of the current constitution and come to terms with the changes that have been made to the document since it was ratified in 1876.

Some useful links for further information about state constitutions:   
- Wikipedia ([state constitutions](http://en.wikipedia.org/wiki/State_constitution_(United_States)))  
- LII: [State Constitutions, Statues and Related Legislative Information](http://www.law.cornell.edu/statutes.html)  
- Ballotpedia: [number of constitutions per state and year current version adopted](http://ballotpedia.org/wiki/index.php/State_constitution).   
- Green Papers: [Constitutions of the Several States](http://www.thegreenpapers.com/slg/constitution.phtml).  
  
**Some History – Colonial Charters**  
  
The constitutions of the original 13 states can be traced to the charters granted by Britain which allowed for the establishment of each of the original colonies. Each was unique and written to deal with the circumstances related to each particular colony. These would turn into colonial constitutions.  
  
- Essay: [Colonial Origins of the American Constitution](http://oll.libertyfund.org/index.php?option=com_content&task=view&id=455&Itemid=287).  
- Wikipedia: [Colonial Charters in the Thirteen Colonies](https://en.wikipedia.org/wiki/Colonial_charters_in_the_Thirteen_Colonies).   
- Wikipedia: [Colonial Government in the Thirteen Colonies](http://en.wikipedia.org/wiki/Colonial_government_in_America).  
- Avalon Project: [Colonial Charters, Grants and Related Documents](http://avalon.law.yale.edu/subject_menus/statech.asp).

They were organized under three types of charters.

- Corporate   
- [Proprietary](http://en.wikipedia.org/wiki/Proprietary_colony)  
- [Royal](http://www.answers.com/topic/royal-colonies)  
  
The principle difference between these charters was where the authority within the community was granted. In a proprietary or corporate charters is was granted to landowners or a corporation. In a royal charter, the monarch ruled directly over them. The [first charters](http://www.jamestowne.org/Jamestowne_Society_Charters.htm) were issued to the London Company (or the [Virginia Company](http://en.wikipedia.org/wiki/Virginia_Company)) to establish Virginia and to the [Plymouth Company](http://en.wikipedia.org/wiki/Plymouth_Company) to establish Plymouth Colony. These were [proprietary colonies](http://en.wikipedia.org/wiki/Proprietary_colony) intended to promote the development of the New World.

Click here for:   
- [The First Charter of Virginia; April 10, 1606](http://avalon.law.yale.edu/17th_century/va01.asp)  
- [The Charter of New England, 1620](http://avalon.law.yale.edu/17th_century/mass01.asp)

The first system of government in the colonies was actually contained in a sealed box that was included in the voyage to Virginia in 1607. Once open, it contained the names of seven people who were to be a council and select a president from among them. As the British monarch accumulated power, most colonial charters would revert to royal charters. One of the complaints made by the North American colonists was that the British government was capriciously changing the colonial charters in order to gain more power over the colonies. This was a leading cause of the independence movement.   
  
- Click here for a [timeline of colonial America](http://en.wikipedia.org/wiki/Timeline_of_Colonial_America).

**Some More History - Constitutions for the First 13**  
  
Once independence was declared, states got into the business of establishing their constitutions. Many began by using the charters as a starting point for their own constitutions. A variety of constitutions were established. A variety of separate decisions were made having to do with the powers of governing institutions and the rights of individuals. For example, here’s [online background](http://candst.tripod.com/cnstntro.htm) on how each state determined what relationship they would allow between church and state.

For detail of the process: [*The First State Constitutions, 1776–1783* - James McClellan, *Liberty, Order, and Justice: An Introduction to the Constitutional Principles of American Government*](http://oll.libertyfund.org/?option=com_staticxt&staticfile=show.php?title=679&chapter=68375&layout=html&Itemid=27)

McClellan outlines four different types of constitutions based on the procedures for establishing them in their respective states. These tell us which constitutions were approved by the people – or more properly the electorate, meaning those who could participate - and which were dominated by elites within each state.

*(1) Constitutions framed by purely legislative bodies which had no express authority from the people to write a constitution and never submitted their handiwork to the people for approval. These were the constitutions of New Jersey, Virginia, and South Carolina, all of which were adopted in 1776. South Carolina adopted a second constitution in 1778.*

*(2) Constitutions framed by purely legislative bodies, but with express authority conferred upon them for this purpose by the people—without submission to the people for approval, however. These were the constitutions of New Hampshire, Delaware, Georgia, New York, and Vermont.*

*(3) Constitutions framed by purely legislative bodies but with express authority conferred upon them for this purpose by the people and formal or informal submission of the constitution to the people—Maryland, Pennsylvania, North Carolina, South Carolina (1778), and Massachusetts (1778). Among these, only Massachusetts formally submitted its constitution to the people.*

*(4) The framing of a constitution by a convention chosen for this purpose only, with the subsequent submission of the Constitution to the people for approval. These were the States of Massachusetts (1779–1780) and New Hampshire (1779–1783) in their second attempts at establishing an acceptable fundamental law.*

The further removed a constitution is from the general population, the more likely it is to establish a political hierarchy like the one described in by Daniel Elazar as one that preserves a traditional political culture.   
  
McClellan also points out three weaknesses of early state constitutions:

First, they all failed to provide for an adequate system of separation of powers. Most of them established three separate and distinct branches of government, with no overlapping personnel; but the men who drafted them thought in terms of a “pure” separation and did not understand the need for checks and balances.

Second, all of these first constitutions, with the exception of New York’s, failed to establish an independent executive. In most cases, governors were appointed by and answerable to the legislatures, and their powers were severely restricted. Even those governors who enjoyed a semblance of authority found it difficult to protect their office because they lacked sufficient means by which to check legislative encroachments

Third, all of these first constitutions lacked a provision establishing the constitution as the supreme law. One factor contributing greatly to the problem of legislative supremacy in the period between 1776 and 1787 was the common assumption that legislators were the sole judges of their own constitutional powers. Too few lawyers of the day believed that a State court had the right to declare a statute invalid on the ground that it violated the State constitution.

The participant of the Constitutional Convention took the deficiencies of state constitutions when they designed the U.S. Constitution. It has more balance between the three branches and a stronger executive branch – the latter was not seen as a good thing by the Anti-Federalists. Perhaps most critically was the idea that a constitution was a fundamental law and ought not by altered unduly by statutory law.  
  
**And Just a Bit more History - The next 37**  
  
We touched on some of this info already. It was assumed after independence that new states would be formed by American settlers who were quickly heading west. The [Northwest Ordinance](http://en.wikipedia.org/wiki/Northwest_Ordinance) allowed the creation of new states out of territories once they reached a population of 60,000. It determined how the territories were to be governed until each was granted statehood and they were allowed to create their own constitutions. [The Enabling Act of 1802](http://en.wikipedia.org/wiki/Enabling_Act_of_1802) established the ground rules by which those early states were established.

In many ways the Northwest Ordinance served as a constitution for the new territories until states were formed and residents were authorized to create their own. It did the following:   
  
- Relinquished the claims other states had over the territory.  
- Mandated the creation of new states.  
- Established governments in the new territories.  
- Guaranteed rights to the residents of the territories.  
- Prohibited slavery and indentured servitude in the territories.

Many states borrowed ideas from other state constitutions. Of the original states, many southern states borrowed from [Virginia’s](http://www.nhinet.org/ccs/docs/va-1776.htm) , while northern states borrowed from [New York’s](http://en.wikisource.org/wiki/New_York_Constitution_of_1777). The Virginia Constitution limited participation to the landed aristocracy. The New York Constitution contained a strong independent executive and promoted commercial development. For background, [click here](http://arcweb.sos.state.or.us/exhibits/1857/after/compare.htm) for a link to a page in Oregon’s official website comparing state constitutions.

Upon entry into the union, each state has had a [constitutional convention](http://ballotpedia.org/wiki/index.php/Constitutional_convention) which wrote out its constitution, which then had to be ratified by the eligible voters in the state. Many, including Texas have had multiple conventions. The original state constitutions – those of the early states, especially those that were once colonies - often had rigid limits on who could participate. The colonies, since they were British, were aristocratic and contained class distinctions. Property rights restrictions were common.

The people who emigrated westward created constitutions that did not contain similar restrictions – at least property rights restrictions. This shift occurred around the time that [Andrew Jackson](http://en.wikipedia.org/wiki/Andrew_Jackson) began competing for the presidency. This expansion of democratic participation is commonly referred to as [Jacksonian Democracy](http://en.wikipedia.org/wiki/Jacksonian_democracy).

Newer, western states offered more opportunities for non-elites (though racial and gender based restrictions continued to exist) to participate politically. Newer constitutions written at that time reflected this expansion of participation and also tied the general population closer to the activities of government. Newer state constitutions were less elitist than the older constitutions. This includes Texas.   
  
**Now for detail on Texas**

As with many other state constitutions, the Texas Constitution is far longer and more detail oriented than the national constitution. The current [Texas Constitution](http://www.tshaonline.org/handbook/online/articles/mhc07) was drafted in the [Constitutional Convention of 1875](http://www.tshaonline.org/handbook/online/articles/mjc05). It was preceded by several previous documents, and it has been heavily amended since. Since 1876 (as of November 2013) 666 amendments have been proposed, of which 484 have been approved by voters. As a result the document currently contains over 80,000 words.  
  
For a look at the proposed amendments click here:   
- [Amendments to the Texas Constitution since 1876](http://www.tlc.state.tx.us/pubsconamend/constamend1876.pdf).

For a look at recently prop0sed Amendment click here:   
- [Constitutional Amendments](http://www.tlc.state.tx.us/const_amends.htm).   
  
Recall that the more lengthy and specific the document, the more precise the limits on government are. The expansion of national power is in many ways due to debate over the meaning of words like “commerce.” One problem with restrictions placed on the Texas Constitution is that it has be amended repeatedly in order to overcome the restrictions placed on it when it wishes, for example, to spend money on highway construction or some other such endeavor.

**The Many Constitutions of Texas**  
Texas has had seven constitutions. One as a Mexican state along with Coahuila, another as an independent nation, one as a confederate state and four as one of the United States of America.   
  
Here’s a walk through each. For a look at them on line:   
- [Texas Politics – The Constitution](http://texaspolitics.laits.utexas.edu/7_printable.html)  
- [Tarleton Law Library](http://tarlton.law.utexas.edu/constitutions/constitutions.html)  
- [Texas Law Timeline](http://www.lrl.state.tx.us/legis/TexasLawTimeLine.cfm)   
  
**The Federal Constitution of the United Mexican States:** First, here’s the constitution that caused all the fuss leading to the break with Mexico. It’s the one that established the federative republic that Santa Ana violated by turning Mexico into a “centralized military despotism.”   
-  [Federal Constitution of the United Mexican States (1824)](http://tarlton.law.utexas.edu/constitutions/text/1824index.html)  
- [TSHA Background](http://www.tshaonline.org/handbook/online/articles/ngc02)  
  
From the Texas Declaration of Independence:   
  
*When the Federal Republican Constitution of their country, which they have sworn to support, no longer has a substantial existence, and the whole nature of their government has been forcibly changed, without their consent, from a restricted federative republic, composed of sovereign states, to a consolidated central military despotism, in which every interest is disregarded but that of the army and the priesthood, both the eternal enemies of civil liberty, the ever ready minions of power, and the usual instruments of tyrants.*  
  
The document created a Mexican government somewhat modeled on the American system – with three separate branches – but no statement of the rights of states. The document also established that the Catholic Church was the official national religion and was supported by tax revenues. Most controversially, it denied Texas independent statehood in order to limit the political power of the newly arrived settlers.   
  
**The 1827 Constitution of the State of Coahuila and Texas:** This was the only state constitution Texas was under when it was part of Mexico.  
- [The Constitution of the State of Coahuila and Texas (1827)](http://tarlton.law.utexas.edu/constitutions/text/1827index.html)   
- [TSHA Background](http://www.tshaonline.org/handbook/online/articles/ngc01)

For the Texans one of the biggest problems with the Mexican Constitution was that it combined the Spanish province of Texas with the state of Coahuila. Texas was not an independent state in Mexico. It wasn’t even called Texas, It was called the Department of Bexar. The Texas Declaration of Independence listed the following grievances regarding Texas’ relationship with Coahuila:   
  
*It hath sacrificed our welfare to the State of Coahuila, by which our interests have been continually depressed, through a jealous and partial course of legislation, carried on at a far-distant seat of Government, by a hostile majority, in an unknown tongue; and this too notwithstanding we have petitioned in the humblest terms for the establishment of a separate State Government, and have, in accordance with the provisions of the National Constitution, presented to the General Congress a Republican Constitution, which was, without just cause, contemptuously rejected.*  
  
In 1827, the legislature of [Coahuila y Tejas](http://en.wikipedia.org/wiki/Coahuila_y_Tejas) outlawed the introduction of additional slaves and granted freedom at birth to all children born to a slave.   
  
**The Proposed Constitution of 1833:** This was the constitution that Stephen F. Austin took to Mexico City in order to request that Texas be recognized as an independent state within Mexico.  
- [Constitution of Form of Government of the State of Texas 1833](http://tarlton.law.utexas.edu/constitutions/texas1833).  
- TSHA: [Constitution Proposed in 1833](https://www.tshaonline.org/handbook/online/articles/mhc09).  
- Wikipedia: [State Constitution](https://en.wikipedia.org/wiki/Convention_of_1833#State_constitution).  
  
Beginning in [1832](https://en.wikipedia.org/wiki/Convention_of_1832) Texans – primarily newly arrived Anglo Texans, not Tejanos - began to meet to discuss grievances with the Mexican government. These came to a head [in 1833 when a convention](https://en.wikipedia.org/wiki/Convention_of_1833) met and drafted a constitution for an independent state of Texas within Mexico. A copy of the 1780 Massachusetts Constitution was available, so it became the model.   
  
**The 1836 Constitution of the Republic of Texas:** This was the constitution of the short lived Republic of Texas. The document was written quickly – they were afraid of Mexican attacks – and was based heavily on the U.S. Constitution.

- [The Constitution of the Republic of Texas (1836](http://tarlton.law.utexas.edu/constitutions/text/1836cindex.html))  
- [TSHA Background](http://www.tshaonline.org/handbook/online/articles/mhc01)  
  
The design was heavily influenced by Jacksonianism. Elements of the constitution included limited government power, most notably short terms of office and annual elections. Slavery was allowed, citizenship was restricted from Africans, the descendants of Africans, and Indians, and suffrage was limited to men. In structure, it was very similar to the United States Constitution.   
  
Some unusual features:   
- Ministers and priests were ineligible to hold public office.  
- Imprisonment for debt was abolished.   
- Provision adopted from Spanish-Mexican law included community property, homestead exemptions, and debtor relief.   
- The amendment process was difficult – no amendments were ever adopted to the document.  
- Special attention was given to laws related to land.  
- A provision called for a gradual shift to British common law.  
- British common law was to be the basis for criminal law.  
  
**The 1845 Constitution of Texas:** This was Texas’ first state constitution.  
- [The Constitution of Texas (1845)](http://tarlton.law.utexas.edu/constitutions/text/1845index.html)  
 - [TSHA Background](http://www.tshaonline.org/handbook/online/articles/mhc03)

It was modeled after the Louisiana Constitution and the prosed Constitution of 1833. It was a simple document with a structure not too different than that we have now, except that the governor was able to appoint top executive officials. Now they are all elected separately. More restrictions were placed on what types of laws could be passed, and provisions were made to establish and fund public schools in the state.   
  
Trivia: No one who had ever participated in a duel could hold public office.  
  
**The 1861 Constitution of Texas:** This was written quickly after [secession](https://www.tshaonline.org/handbook/online/articles/mjs01) was approved by the voters of the state.  
- [The Constitution of Texas (1861)](http://tarlton.law.utexas.edu/constitutions/text/1861index.html)   
- [TSHA Background](http://www.tshaonline.org/handbook/online/articles/mhc04)

This constitution was modeled largely on the 1845 document. Few major changes were made to it, and those that did enforced the rights of slave owners. The emancipation of slaves was made illegal. Loyalty oaths to the Confederacy were required.   
  
**The 1866 Constitution of Texas:** This was the first of three post-Civil War Constitutions.   
- [The Constitution of Texas (1866)](http://tarlton.law.utexas.edu/constitutions/text/1866index.html)  
- [TSHA Background](http://www.tshaonline.org/handbook/online/articles/mhc05)

This was written during when there was a strong military presence in Texas. Texas was not yet able granted the right to govern itself. It was in the [Fifth Military District](https://tshaonline.org/handbook/online/articles/qzf01) along with Louisiana. The new constitution was written to be in compliance with reconstruction and accepted the illegality of slavery. The institutions created were made stronger – longer term lengths and larger salaries. These provisions were unpopular. Segregated schools for African American students were also allowed and voting rights for the recently freed male slaves was enforced. These were unpopular with the ex-Confederates.

**The 1869 Constitution of Texas:** This was written and ratified after the passage of the [Reconstruction Acts of 1867 and 1868](https://en.wikipedia.org/wiki/Reconstruction_Acts). These were passed despite being vetoed by Andrew Jackson.  
- [The Constitution of Texas (1869)](http://tarlton.law.utexas.edu/constitutions/text/1869index.html) (Reconstruction Constitution)   
- [TSHA Background](http://www.tshaonline.org/handbook/online/articles/mhc06)

The Acts mandated that Texas accept the 14th Amendment, recognize civil rights, and also raised taxes in order to provide a centralized common school system and law enforcement. It was a controversial constitution that led to backlash.  
  
**The 1876 Constitution of Texas:**  This forms the basis of the current constitution.  
- [The Constitution of Texas (1876](http://tarlton.law.utexas.edu/constitutions/text/1876index.html))  
- [TSHA Background](http://www.tshaonline.org/handbook/online/articles/mhc07)

After 10 years of federal presence in southern states, support for reconstruction waned. A formal end to Reconstruction was negotiated as part of a deal to end the dispute over the [contested presidential election of 1976](https://en.wikipedia.org/wiki/United_States_presidential_election,_1876). Written in response to both Reconstruction and the allegedly corrupt administration of [E.J. Davis](http://en.wikipedia.org/wiki/Edmund_J._Davis), this constitution shortened term lengths, lowered salaries, and allowed for greater local control. Civil rights protections for freed slaves were removed.   
  
For a look at the current constitution, [click here](http://www.constitution.legis.state.tx.us/).   
  
As stated before, it has been heavily amended. Since 1876 (as of November 2011) 653 amendments have been proposed, of which 474 have been approved by voters. As a result the document currently contains over 80,000 words.

For background on the amendments click here: [Amendments to the Texas Constitution Since 1876](http://www.tlc.state.tx.us/pubsconamend/constamend1876.pdf),   
  
**The Current 1876 Constitution**  
  
PREAMBLE  
This is how it begins:   
  
*“Humbly invoking the blessings of Almighty God, the people of the State of Texas, do ordain and establish this Constitution.”*

This document contains far more explicit religious content than the U.S. Constitution, including a the requirement that office holders acknowledge the existence of a Supreme Being.   
  
[Article One:](http://www.statutes.legis.state.tx.us/Docs/CN/htm/CN.1.htm)   
The Bill of Rights

Note that the Texas Constitution begins with a Bill of Rights (it was tacked on to the end the U.S. Constitution). It is far more detailed, and amended that the U.S. document and includes items such as Equal Rights and Victims Rights clauses that do not exist on the national level.

[Article Two: The Powers of Government](http://www.statutes.legis.state.tx.us/Docs/CN/htm/CN.2.htm)

This is Article Two in its entirety:   
  
*DIVISION OF POWERS; THREE SEPARATE DEPARTMENTS; EXERCISE OF POWER PROPERLY ATTACHED TO OTHER DEPARTMENTS. The powers of the Government of the State of Texas shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to wit: Those which are Legislative to one; those which are Executive to another, and those which are Judicial to another; and no person, or collection of persons, being of one of these departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted.*

This explicitly states that the Texas government is composed of separated powers and what that term means. There is no such statement on the national level.

[Article 3: The Legislative Branch](http://www.statutes.legis.state.tx.us/Docs/CN/htm/CN.3.htm)

It establishes a bicameral legislature structured much like the United States Congress, but it only meets for 140 days (Sec. 24) in the year following each election. Salaries are also very low. The intent is to establish a weak legislature with little power independent of the interests of the local community.

[Article 4: The Executive Branch](http://www.statutes.legis.state.tx.us/Docs/CN/htm/CN.4.htm)

As opposed to the U.S. Constitution, which vests executive power in a president, the Texas Constitution vests it in a variety of independently elected executive officers. This creates a plural executive which is also intended – along with the amateur legislature – to minimize autonomous governing power in the state.

[Article 5: The Judicial Branch](http://www.statutes.legis.state.tx.us/Docs/CN/htm/CN.5.htm)

The Texas Constitution details the design of the state judiciary and specifically states that judges are to be elected. This makes them subject to the will of the majority, which limits their independence. The U.S. courts, in contrast, are appointed in order to remove them from the direct influence of the electorate. As with the other institutions created, this is designed to weaken the courts.

[Article 6: Suffrage](http://www.statutes.legis.state.tx.us/Docs/CN/htm/CN.6.htm)

As we will discuss in the section on voting, the U.S. Constitution originally gave each state the full ability to decide who got to vote. After the Civil War, a series of amendments were added that restricted the states from using various means (race, gender, etc…) to restrict access to the polls. Others are still fair game. This Article states that the mentally incompetent and felons may not vote. The legislature can also restrict the vote from those convicted of bribery and other crimes.

[Article 7: Education](http://www.statutes.legis.state.tx.us/Docs/CN/htm/CN.7.htm)

The Articles begins with the statement that the “diffusion of knowledge” is “essential to the preservation of the liberties and rights of the people.” As a result, a system of free public school shall be supported and maintained.

[Article 8: Taxation and Revenue](http://www.statutes.legis.state.tx.us/Docs/CN/htm/CN.8.htm)

This section exhaustively details the nature of tax policy on the state and local levels.

[Article 9: Counties](http://www.statutes.legis.state.tx.us/Docs/CN/htm/CN.9.htm)

This section authorizes the creation of counties and stipulates their purpose. Counties carry out state laws, so this section outlines how that is to be done. It also authorizes the creation special districts (Hospital, Airport, and Public Health).

[Article 10: Railroads](http://www.statutes.legis.state.tx.us/Docs/CN/htm/CN.10.htm)

This establishes that railroads are public highways and railroad companies are subject to regulations. The Article has been heavily amended and depleted.

[Article 11: Municipal Corporations](http://www.statutes.legis.state.tx.us/Docs/CN/htm/CN.11.htm)

This establishes the legal status of counties and provides for how cities can attain legal status, to be incorporated. It details the process that cities with less than, and more than 5,000 have to go through in order to obtain city charters, and what those charters authorize the cities to do.

This is worth a special note since the United States Constitution says nothing about cities. Their position in the constitutional system has been subject to debate. The same is true for counties and single purpose governmental entities. We will discuss this more when we cover federalism.

[Article 12: Private Corporations](http://www.statutes.legis.state.tx.us/Docs/CN/htm/CN.12.htm)

This is a very brief Article which simply authorizes the state to create private corporations and determine that the public and the stockholders shall be protected from them.

Article 13: Spanish Land Grants  
  
This section does not exist anymore, but was obviously a relic dating back to the nature of the land grants early Texans received from Spain which allowed for their settlement here.

[Article 14: Public Lands and Land Office](http://www.statutes.legis.state.tx.us/Docs/CN/htm/CN.14.htm)

This is also a very brief article which simply states that a General Land Office shall exist which keep a registry of all land titles coming from the state. This office is to be self sustaining.

[Article 15: Impeachment](http://www.statutes.legis.state.tx.us/Docs/CN/htm/CN.15.htm)

This article thoroughly details how public officials can be impeached and removed from office. This applies only to executive and judicial officials.

[Article 16: General Provisions](http://www.statutes.legis.state.tx.us/Docs/CN/htm/CN.16.htm)

As the title suggests, this article contains various provisions that do not seem to fit in any of the other articles. These includes laws relating to alcoholic beverages, punishments for bribery, conservation of natural resources, etc….

[Article 17: Mode of Amending the Constitution of this State](http://www.statutes.legis.state.tx.us/Docs/CN/htm/CN.17.htm)

As the title suggests, this refers to the process for amending the Texas Constitution, which happens quite a bit as we know. You can see evidence of the impact of amendment while reading through the document. All that is required is a 2/3rds vote in each chamber in the legislature and a majority vote by the general population.

**Proposed Replacements to the Constitution**  
  
The cumbersome and convoluted nature of the document has led to occasional attempts to replace it. The only serious attempt to do so was [in 1974](http://www.tshaonline.org/handbook/online/articles/mjc07), which failed (here is a [Citizen’s Guide](http://www.constitution.org/reform/us/tx/const/braden.htm) to the proposed constitution). New constitutions create uncertainly, so warts and all, vested interests tend to prefer what they know to what they don’t.